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Attorney for Defendant  
John Saro Balian

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
Plaintiff.

VS.

JOHN SARO BALIAN,  
Defendant.

Case No.: CR 18-345-JFW

## DEFENDANT JOHN SARO BALIAN'S RESPONSE TO GOVERNMENT'S POSITION RE SENTENCING

**DATE:** March 8, 2019  
**TIME:** 8:30 a.m.  
**COURTROOM:** 7A

Defendant John Saro Balian, by and through his counsel of record, respectfully submits his response to the government's position re sentencing.

*[T]he guidance I always gave my prosecutors and the agents that I worked with during my tenure on the front lines of law enforcement were if we aren't prepared to prove our case beyond a reasonable doubt in court, then we have no business making allegations against American citizens.*

Deputy Attorney General Rod Rosenstein<sup>1</sup>

## I. INTRODUCTION

The Deputy Attorney General’s recent comments highlight a fundamental unfairness in the government’s sentencing position. Rather than relying on facts to justify the harsh sentence it seeks, the government asks the Court to sentence Mr. Balian based on conjecture and the untested claims of a confidential informant it has yet to identify and who it concedes cannot be corroborated—let alone proven beyond the barest standard of proof. The headline-grabbing allegations that dot the government’s brief—Mr. Balian “turn[ed] to a life of crime;” Mr. Balian “join[ed] forces with Armenian Organized Crime and the Mexican Mafia;” Mr. Balian “lived the life of a gang member”—are just that, allegations. While they may have been enough to convict Mr. Balian in the court of public opinion, law and fundamental fairness require more in determining a reasonable sentence.<sup>2</sup> Mr. Balian is deeply sorry for the offenses he committed and is eager to rebuild his life as a law abiding citizen. But he and his family have already been punished enough, and certainly well beyond anything that needed serve a legitimate purpose. As such, he respectfully requests that the Court reject the government’s request and the probation officer’s recommendation and, instead, sentence him to time served and community service.

<sup>1</sup> Deputy Attorney General Rod Rosenstein, Comments at the Center for Strategic and International Studies during program entitled Defending Rule of Law Norms: A Conversation with Rod Rosenstein (Feb. 25, 2019).

<sup>2</sup> See generally Robert Alan Semones, Note, *A Parade of Horribles: Uncharged Relevant Conduct, the Federal Prosecutorial Loophole, Tails Wagging Dogs in Federal Sentencing Law, and United States v. Fitch*, 46 U.C. DAVIS L. REV. 313 (2012).

1           **II. DISCUSSION**

2           **A. USSG § 3B1.3 is inapplicable to Count 1**

3           The PSR calculated a 2-level increase under USSG § 3B1.3 for Count 2 and  
 4 the government seeks the same for Count 1. Both requests are without merit.<sup>3</sup> The  
 5 fact that Mr. Balian worked as a police officer is insufficient on its own to justify a  
 6 two-level enhancement under USSG § 3B1.3, as both the government and  
 7 probation appear to assume. *See United States v. Harrington*, 82 F.3d 83, 88 (5th  
 8 Cir. 1996) (“merely having the position of public or private trust is not sufficient to  
 9 warrant an increase under § 3B1.3”). Moreover, Mr. Balian’s status as a police  
 10 officer is already accounted for in his Guidelines calculation under USSG §  
 11 2C1.1(a)(1), which uses a higher base offense level for public officials. *See USSG*  
 12 § 3B1.3 (“This adjustment may not be employed if an abuse of trust or skill is  
 13 included in the base offense level or specific offense characteristic.”) and  
 14 Application Note 6 (“Do not apply § 3B1.3 (Abuse of Position of Trust or Use of  
 15 Special Skill”)); see also *United States v. Solomon*, 766 F.3d 360, 367-68 (3rd Cir.,  
 16 2014) (referring to Note 6 and explaining that “[t]his prohibition apparently  
 17 accounts for the fact that § 2C1.1 already provides a 2–level increase if the  
 18 defendant was a public official”).

19           Even if Application Note 6 does not control, the government must still show  
 20 the act of accessing the database “significantly facilitated” the offense to which  
 21 Mr. Balian pleaded guilty. USSG § 3B1.3. The government has not, and cannot,  
 22 make that showing because accessing the database played no part in the  
 23 § 666(a)(1)(B) violation. The elements of that offense, as set forth in the plea  
 24 agreement, are: (1) Defendant was an agent of the City of Glendale; (2) The City  
 25 of Glendale received federal benefits in excess of \$10,000 in a one-year period; (3)  
 26 Defendant ***accepted or agreed to accept*** something of value from a person; (4)

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 28           <sup>3</sup> Mr. Balian addresses the merits of the PSR’s recommendation in his sentencing position  
 papers at 23-25.

1 Defendant *acted corruptly with the intent to be influenced or rewarded* in  
 2 connection with the business or transaction of the City of Glendale; and (5) The  
 3 value of the business or transaction to which the payment related was at least  
 4 \$5,000. Plea Agreement, at 6 (emphasis added).

5 Mr. Balian's offense was the act of accepting or agreeing to accept money to  
 6 help locate a robbery suspect while employed as a Glendale police officer. Mr.  
 7 Balian could have accepted the money (or agreed to accept the money) without  
 8 having accessed the protected database, which is exactly what the government  
 9 alleged originally. In other words, and almost by definition, accessing the database  
 10 did not "facilitate" the offense. At most, accessing the database may have  
 11 constituted a *consequence* of the improper agreement. Without a connection, let  
 12 alone a "significant" connection, between the alleged abuse and the offense, the  
 13 enhancement does not apply. *See United States v. Burt*, 134 F.3d 997 (10th Cir.  
 14 1998) ("Without the requisite connection between the crime and Defendant's  
 15 special knowledge, the section 3B1.3 enhancement for use of a special skill cannot  
 16 be affirmed.")<sup>4</sup>

17       **B. In their rush to vilify Mr. Balian, the government and probation**  
 18       **officer overstate key facts and get others completely wrong**

19       In one of the more troubling parts of the government's brief, it seeks to  
 20 justify a higher sentence because, it claims, Mr. Balian acted "in reckless disregard  
 21 for the safety of others" and "placed other officers at risk" when he tipped off a  
 22 gang member about his pending arrest. (Government's Position re Sentencing  
 23 ("Government's Position"), at 7 and 11.) The government put it this way:

24       *Luckily*, the shotcaller *decided* to flee, as opposed to stand and fight.  
 25       The probation officer's concern that the shotcaller could have injured

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26       <sup>4</sup> Nor has the government given the Court a timeline of events or explained why Mr.  
 27 Balian accessed the database. As such, it is impossible to say whether Mr. Balian's accessing the  
 28 database in early February 2017 followed the acceptance or agreement to accept the money or  
 whether Mr. Balian did the search in the ordinary course of his job as a police officer after being  
 contacted by the robbery victim.

1 or killed officers *if he had decided to lay and wait* is not baseless  
 2 speculation. Indeed, several California police officers have been shot  
 3 while attempting to arrest suspects in recent years.

4 (Government's Position, at 7 (emphasis added). To use the tragic—and completely  
 5 unrelated—shootings of other police officers to increase Mr. Balian's sentence is  
 6 deeply unfair and misleading. As tragic as the other shootings are, the suggestion  
 7 that Mr. Balian *in this instance* acted *knowing* that he might be sending his fellow  
 8 officer's into an ambush is absolutely untrue.<sup>5</sup>

9 No one—and certainly not Mr. Balian—seeks to justify what he did, but as  
 10 he explained to the probation officer he believed that the individual would flee,  
 11 which is exactly what occurred. While that hardly excuses the conduct, it is very  
 12 different than the picture the government paints when it suggests the individual  
 13 first considered an armed standoff with arresting officers and then through good  
 14 fortune alone changed his mind and fled. There is no evidence that an actual risk of  
 15 harm existed—let alone a risk that Mr. Balian knew and ignored. As such, it is not  
 16 accurate, legally or factually, to describe the conduct as recklessly endangering the  
 17 lives of others. *See United States v. Gardenhire*, 784 F.3d 1277 (9th Cir., 2015)  
 18 (rejecting upward departure based on reckless endangerment where the “record is  
 19 devoid of evidence, let alone clear and convincing evidence, that [defendant] was  
 aware of the risk created by his conduct”).

20 The government next points out that Mr. Balian made cash deposits of  
 21 \$146,653.00 into two bank accounts. It then adds that one of the accounts was a

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22       <sup>5</sup> The term “reckless disregard” has an established legal meaning. The Supreme Court has  
 23 made plain that criminal recklessness generally requires that “a person disregards a risk of harm  
 24 *of which he is aware.*” *United States v. Rodriguez*, 880 F.3d 1151, 1159-60 (9th Cir., 2018)  
 25 (*quoting Farmer v. Brennan*, 511 U.S. 825, 837 (1994) (*citing, inter alia*, Model Penal Code §  
 26 2.02(2)(c) (emphasis added))). The defendant “must both be aware of facts from which the  
 27 inference could be drawn that a substantial risk of serious harm exists, and he must also draw the  
 28 inference.” *Farmer*, 511 U.S. at 837, 114 S.Ct. 1970. In other words, the standard requires that  
 the defendant “was subjectively aware of the risk.” *Id.* at 829. *See also* USSG § 2A1.4  
 (“‘Reckless’ means a situation in which the defendant was aware of the risk created by his  
 conduct and the risk was of such a nature and degree that to disregard that risk constituted a  
 gross deviation from the standard of care that a reasonable person would exercise in such a  
 situation.”)

1 “joint account with defendant’s girlfriend, as opposed to the account he used to  
 2 support his wife and children.” *Id.* at 8. The reference to Mr. Balian’s wife and  
 3 children in the same sentence as his former girlfriend is a gratuitous (and  
 4 unseemly) attempt to destroy his reputation, to divide his family at a time when he  
 5 needs them most, and, most obviously, to prejudice the Court against him. Mr.  
 6 Balian does not have a girlfriend, as the government well knows, and what occurs  
 7 in the privacy of the Balian household is nobody’s business—and it certainly has  
 8 no place in this sentencing.

9 Moreover, it is unclear why the government mentioned the cash deposits in  
 10 the first place other than to imply that Mr. Balian obtained the cash from criminal  
 11 activity involving “Armenian Organized Crime and the Mexican Mafia.” It makes  
 12 that suggestion, however, while at the same time stating that “it remains unclear  
 13 how much defendant profited from his relationships with Armenian Organized  
 14 Crime and the Mexican Mafia.” *Id.* In other words, it appears that significant  
 15 questions remain about the money and where it came from. Without definitive  
 16 answers to those questions, the cash deposits and the accompanying spreadsheet  
 17 prove little about the nature of Mr. Balian’s alleged activities or connections with  
 18 the two groups.

19 The government next states that Mr. Balian “attempted to evade law  
 20 enforcement’s efforts to impose a financial punishment” when he “quick-deeded  
 21 [sic] his home after he was interviewed by the FBI for a fourth time and shortly  
 22 before his arrest.” (Government’s Position, at 8.) As support for this accusation  
 23 that Mr. Balian fraudulently transferred assets, the government cites paragraph  
 24 73(b) of the PSR, which states in part that “[a] quit claim deed [sic], filing number  
 25 2018-0085717, was filed in San Bernardino County Superior Court on March 9,  
 26 2018.” (PSR, at ¶ 73(b).) There is, however, one basic problem with the  
 27 government’s and probation officer’s accusation: It never happened.

1           Mr., Balian's home, as the attached property report shows, was as of  
 2 Monday, March 4, 2019 ***still in Mr. Balian's own name.*** (See Declaration of Craig  
 3 H. Missakian, Ex. A.) In its rush to smear Mr. Balian, it appears that neither the  
 4 government and probation officer read the quitclaim deed—what they rely on as  
 5 evidence of a scheme to frustrate law enforcement. If they had read it, they would  
 6 have seen that it is for a property in ***San Bernardino County.*** Mr. Balian's house is  
 7 in ***Orange County.*** The quitclaim deed the government relies on is, in fact, for an  
 8 entirely different property, a vacant lot that Mr. Balian has no interest in. He did  
 9 not own the property and, obviously, he did not and could not have signed the  
 10 quitclaim deed on March 9, 2018. (See Declaration of Craig H. Missakian, Ex. B.)

11           The government also argues that Mr. Balian “is still a high-risk for  
 12 reoffending, given his connections to those engaging in criminal activity. Indeed,  
 13 defendant appears to have surrounded himself with Armenian Organized Crime  
 14 and the Mexican Mafia.” (Government’s Position, at 9.) It is unclear exactly what  
 15 the government means by these allegations or who it is referring to but there is no  
 16 evidence that Mr. Balian will have any contact with either Armenian Organized  
 17 Crime or Mexican Mafia figures upon his release let alone commit any other  
 18 offenses. And to seek a higher sentence based on mere speculation that he will is  
 19 an affront to every notion of due process that exists in this country. If the  
 20 government has its way, not only will Mr. Balian’s sentence reflect what he did in  
 21 the past but also for what it predicts he will do in the future before he does it.  
 22 While that is the plot line of a Hollywood blockbuster, it is a notion that has no  
 23 place here.

24           C.    The Court should reject the government’s request for an upward  
 25 departure based on the claims of CHS-3

26           Speculation is no substitute for facts. And it is one thing to say Mr. Balian  
 27 turned to “a life of crime” or to conjure images of him as an Armenian Organized  
 28 Crime figure or a Mexican Mafia gang member; it is yet another thing to prove it

as the law requires. *See United States v. Gardenhire*, 784 F.3d 1277 (9th Cir., 2015). The government's request for an upward departure relies extensively on the farfetched and untested accusations of an as-of-yet unidentified cooperating witness (referred to as "CHS-3") in the government's original arrest warrant. As Mr. Balian explained in his sentencing position papers, there are good reasons to discount entirely anything that CHS-3 has to say.

CHS-3 is the same person that the government conceded could have been "confused" about Mr. Balian. *See Under Seal Declaration of Craig H. Missakian, Ex. D*, at 9 (where government conceded that CHS-3 could be confused). He is also the person whose story, as explained in defendant's sentencing position paper, is demonstrably false in several material respects. *See Sentencing Position Paper of John Saro Balian*, at 20-23 (discussing problems with CHS-3's story). On top of that, the government concedes that it is "not aware of any additional evidence to corroborate the information that CHS-3 provided," (Government's Position, at 10), and that it believes that CHS-3 is cooperating against Mr. Balian "in hopes of receiving consideration for his pending state and federal cases." (*See Arrest Warrant Affidavit*, at n.18 p. 29.)

Before the Court imposes an upward departure, fundamental fairness and the law require more than the uncorroborated statements of an unnamed person with a clear motive to lie whose story has already fallen apart in key respects. If, however, the Court is inclined to rely on any of these accusations for any purpose in arriving at a sentence, Mr. Balian respectfully requests an evidentiary hearing so that he can confront the witness and test his claims.

#### **D. Sentencing disparity**

The government mentions that the defendant in *United States v. Felix Cisneros Jr.*, CR No. 17-229-CAS went to trial and received a 12 month and one day sentence but never explains why a sentence of triple that is warranted here. Mr. Cisneros was involved with some of the very same individuals as Mr. Balian and

1 his actions involved similar conduct and charges to those involved here. Moreover,  
2 unlike Mr. Balian who accepted responsibility for his actions immediately, Mr.  
3 Cisneros showed little respect for the law by choosing to go to trial. There is  
4 simply no basis—other than the government’s demonstrated animus toward Mr.  
5 Balian—for seeking a sentence of three times what Mr. Cisneros received. In fact,  
6 the Cisneros sentence is a compelling argument for why Mr. Balian should receive  
7 an even lesser punishment.

8 **III. CONCLUSION**

9 For all of the reasons discussed above, Mr. Balian respectfully requests that  
10 the Court reject the government’s requested sentence and the probation  
11 department’s recommendation and impose a sentence of time served and some  
12 amount of community service.

13 Dated: March 5, 2019

Respectfully submitted,

14  
15 /s/ Craig Missakian

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16 Craig H. Missakian  
17 Attorney for Defendant  
18 John Saro Balian

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## Declaration of Craig H. Missakian

I, Craig Missakian, declare that:

1. I am an attorney licensed to practice before all of the courts of the State of California and defendant John Saro Balian's attorney in this case. I make the statements set forth below of my own personal knowledge and, if called upon to do so, would and could testify competently to the following facts.

2. In response to the government's suggestion that Mr. Balian had quitclaimed his home in order to frustrate law enforcement, I contacted a local real estate broker and asked him to provide me with information about Mr. Balian's home. Attached hereto and marked as Exhibit A is a true and correct copy of the property profile for Mr. Balian's residence that the broker provided (redacted to protect Mr. Balian's and his family's privacy). I have not had time to review Orange County property records personally to confirm what is reflected in Exhibit A, but I have no reason to question the accuracy of the information. Exhibit A shows that title to Mr. Balian's home, as of today, remains in his name.

3. I also gave the broker the number in paragraph 73 of the PSR (2018-0085717) that the government and probation officer state is the quitclaim deed Mr. Balian filed and recorded in San Bernardino County to transfer title to his home shortly before his arrest. Attached hereto and marked as Exhibit B is a true and correct copy of that quitclaim deed bearing number 2018-0085717 provided by the same broker, which I understand he obtained from Lawyers Title Company. The quitclaim deed relates to a vacant parcel of land in San Bernardino County and has nothing to do with Mr. Balian's home. Rather, it is a property that Mr. Balian's late daughter's boyfriend quitclaimed **to her** in December 2017, about a month before

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1 her death. Mr. Balian is not the grantor on the deed and had no connection to the  
2 property at the time the quitclaim deed was executed.

3 I declare under penalty of perjury under the laws of the United States that  
4 the foregoing is true and correct to the best of my knowledge and belief.

5 Executed this 5th day of March 2019 at Pasadena, California.

6 /s/ Craig Missakian

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Craig H. Missakian

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<b>MLS Beds</b>	<b>MLS Sq Ft</b>	<b>Lot Sq Ft</b>	<b>MLS Sale Price</b>
<b>3</b>	<b>1,400</b>	<b>5,200</b>	<b>\$340,000</b>
<b>Baths</b>	<b>Yr Built</b>	<b>Type</b>	<b>MLS Sale Date</b>
<b>3</b>	<b>1968</b>	<b>SFR</b>	<b>06/13/2000</b>

## Owner Information

Owner Name: **Balian John S**  
 Mail Owner Name: **John S Balian**  
 Tax Billing Address: **(no mail)**  
 Tax Billing City & State: **(no mail)**  
 Tax Billing Zip: **(no mail)**  
 Tax Billing Zip+4: **(no mail)**  
 Owner Vesting: **Divorced**  
 Owner Occupied: **Yes**  
 No Mail Flag: **Y**

## Location Information

Zip Code: **(no mail)**  
 Carrier Route: **(no mail)**  
 Tract Number: **(no mail)**  
 School District: **(no mail)**  
 Comm College District Code: **(no mail)**  
 Census Tract: **1100.12**

## Tax Information

APN : **(no mail)**  
 Exemption(s): **Homeowner**  
 % Improved: **19%**  
 Legal Description: **(no mail)**  
 Tax Area: **(no mail)**  
 Lot Number: **(no mail)**  
 Water Tax Dist: **(no mail)**

## Assessment & Tax

Assessment Year	2018	2017	2016
Assessed Value - Total	\$459,265	\$450,260	\$441,432
Assessed Value - Land	\$370,051	\$362,795	\$355,682
Assessed Value - Improved	\$89,214	\$87,465	\$85,750
YOY Assessed Change (\$)	\$9,005	\$8,828	
YOY Assessed Change (%)	2%	2%	

Tax Year	Total Tax	Change (\$)	Change (%)
2016	\$5,243		
2017	\$5,347	\$104	1.99%
2018	\$5,463	\$117	2.18%

Special Assessments	Tax Amount
Ocsd Sewer User Fee	\$335.00
Mello-Roos R3	\$198.06
Lighting Maint	\$21.86
Mwd Water Stdby Chg	\$10.08
Mosq/Fire Ant Assmt	\$7.48
Vector Control Chg	\$1.92
Total Of Special Assessments	\$574.40

## Characteristics

County Land Use:	<b>Single Fam Residence</b>	Quality:	<b>Average</b>
Universal Land Use:	<b>SFR</b>	Water:	<b>Public</b>
Lot Frontage:	<b>52</b>	Sewer:	<b>Public Service</b>
Lot Depth:	<b>100</b>	Heat Type:	<b>Central</b>
Lot Acres:	<b>0.1194</b>	Patio Type:	<b>Covered Patio</b>

Courtesy of Nerves Ananyan, Titus Realty, Inc., California Regional MLS - CN

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report w th the applicable county or mun cipality.

**EXHIBIT A12**

**Property Detail**

Generated on 03/04/2019

Page 1 of 3

Style:	Contemporary	Garage Sq Ft:	483
Building Sq Ft:	1,400	Parking Type:	Attached Garage/Carport
Gross Area:	1,883	No. Parking Spaces:	MLS: 2
Stories:	1	Roof Material:	Wood Shake
Total Rooms:	6	Construction:	Frame
Bedrooms:	3	Exterior:	Stucco
Total Baths:	Tax: 3 MLS: 2	Year Built:	Tax: 1968 MLS: 1967
Full Baths:	2	Other Impvs:	Covered Patio, Fence
Half Baths:	1	Equipment:	Dishwasher, Range Oven, Disposal, Range Hood
Other Rooms:	Family Room	Building Type:	Single Family
Fireplaces:	1	# of Buildings:	1
Condition:	Good		

## Estimated Value

RealAVM™ (1):	\$799,900	Confidence Score (2):	59
RealAVM™ Range:	\$727,909 - \$871,891	Forecast Standard Deviation (3):	9
Value As Of:	02/19/2019		

(1) RealAVM™ is a CoreLogic® derived value and should not be used in lieu of an appraisal.

(2) The Confidence Score is a measure of the extent to which sales data, property information, and comparable sales support the property valuation analysis process. The confidence score range is 60 - 100. Clear and consistent quality and quantity of data drive higher confidence scores while lower confidence scores indicate diversity in data, lower quality and quantity of data, and/or limited similarity of the subject property to comparable sales.

(3) The FSD denotes confidence in an AVM estimate and uses a consistent scale and meaning to generate a standardized confidence metric. The FSD is a statistic that measures the likely range or dispersion an AVM estimate will fall within, based on the consistency of the information available to the AVM at the time of estimation. The FSD can be used to create confidence that the true value has a statistical degree of certainty.

## Listing Information

MLS Listing Number:		MLS Pending Date:	05/14/2000
MLS Status:	Sold	Closing Date:	06/13/2000
MLS Status Change Date:	06/14/2000	MLS Sale Price :	\$340,000
MLS Area:		MLS Listing Agent:	Mrm-Sruessha-Sharon Russell
MLS Listing Price:	\$335,000	MLS Listing Broker:	SEAL BEACH REALTY
MLS Orig. List Price:	\$344,900		
<b>MLS Listing #</b>	S212517		
<b>MLS Status</b>	Closed		
<b>MLS Listing Date</b>	04/28/2000		
<b>MLS Listing Price</b>	\$335,000		
<b>MLS Orig Listing Price</b>	\$335,000		
<b>MLS Close Date</b>	06/13/2000		
<b>MLS Close Price</b>	\$340,000		
<b>MLS Listing Cancellation Date</b>	06/13/2000		

## Last Market Sale & Sales History

Recording Date:	06/13/2000	Sale Type:	Full
Sale Date:	Tax: 05/18/2000 MLS: 06/13/2000	Deed Type:	Grant Deed
Sale Price:	\$340,000	Owner Name:	Balian John S
Price Per Square Feet:	\$242.86	Seller:	Balian John
Document #:	310786		
<b>Recording Date</b>	06/13/2000	12/23/1992	12/23/1992
<b>Sale Date</b>	05/18/2000		03/14/1979
<b>Sale Price</b>	\$340,000	\$272,000	\$91,000
<b>Nominal</b>		Y	
<b>Buyer Name</b>	Balian John S	Fitzgerald James Scott	Salls Nadean
<b>Seller Name</b>	Balian John	Sorensen Nadean	Sorensen Nadean
<b>Document Number</b>			
<b>Document Type</b>	Grant Deed	Grant Deed	Deed (Reg)

## Mortgage History

Courtesy of Nerves Ananyan, Titus Realty, Inc., California Regional MLS - CN

The data within this report is compiled by CoreLogic from public and private sources. The data is deemed reliable, but is not guaranteed. The accuracy of the data contained herein can be independently verified by the recipient of this report wth the applicable county or mun cipality.

EXHIBIT A13

## Property Detail

Generated on 03/04/2019

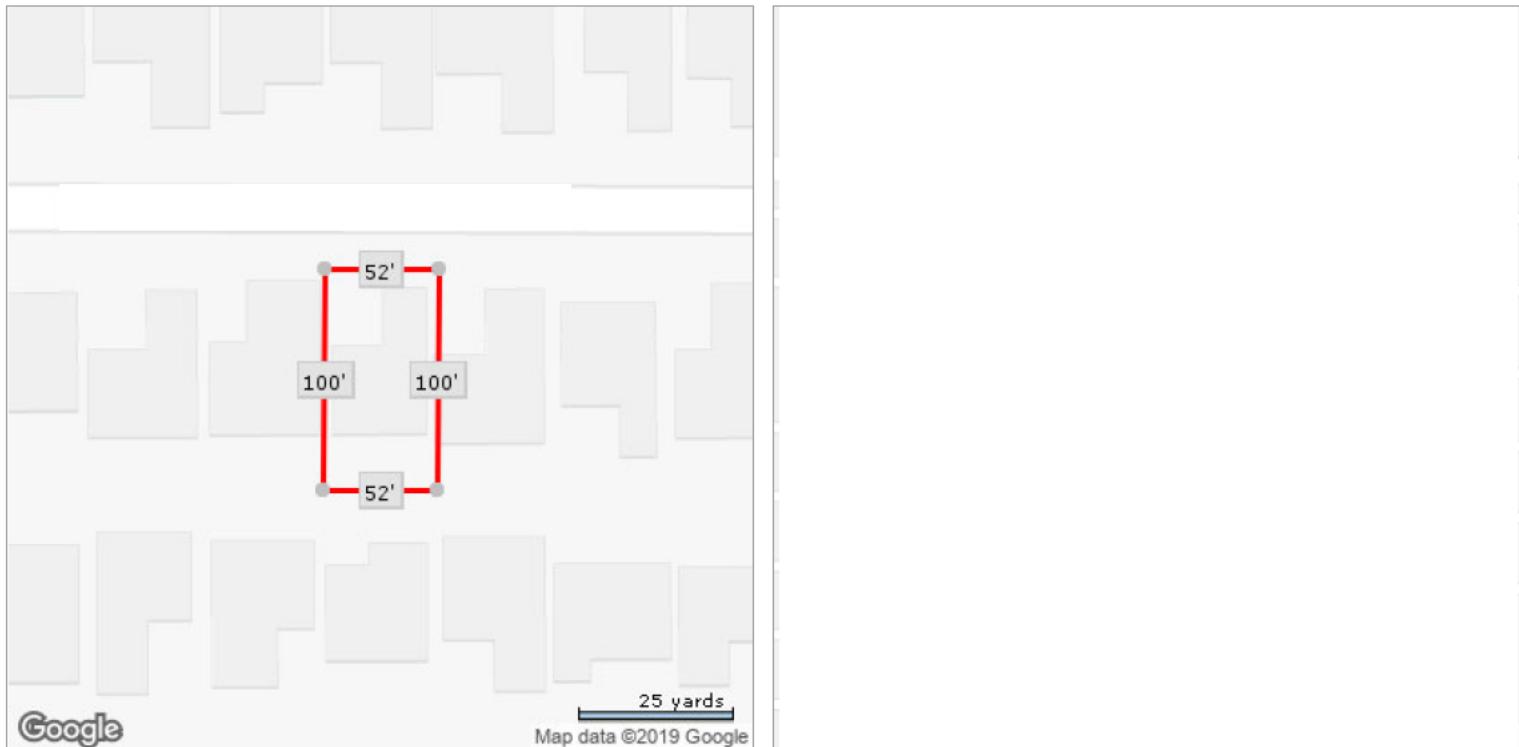
Page 2 of 3

Mortgage Date	10/20/2004	04/24/2004	09/17/2004	09/21/2004	11/06/2004
Mortgage Amount	\$170,000	\$75,000	\$469,170	\$155,000	\$99,000
Mortgage Lender	Private Individual	Pnc Mtg	Countrywide Bk	Americas Wholesale Lender	
Mortgage Code	Private Party Lender	Private Party Lender	Conventional	Conventional	Conventional
Mortgage Date	09/23/2004	09/23/2004	02/23/2004		
Mortgage Amount	\$35,000	\$477,000	\$100,000		
Mortgage Lender	National Cty Bk	Accubanc Mtg	Americas Wholesale Lender		
Mortgage Code	Conventional	Conventional	Conventional		

## Foreclosure History

Document Type	Release Of Lis Pendens/Notice	Notice Of Default
Default Date		07/29/2010
Foreclosure Filing Date		07/29/2010
Recording Date	05/27/2011	07/30/2010
Document Number		
Default Amount		\$18,234
Original Doc Date	07/30/2010	09/23/2004
Original Document Number		

## Property Map



\*Lot Dimensions are Estimated

Recording Requested by:  
ROBERT CLARK PENNER



**BOB DUTTON**  
ASSESSOR - RECORDER - CLERK

C Priority Mail

Doc# 2018-0085717



Titles	1	Pages	2
Fees	27.00		
Taxes	2.75		
CA SB2 Fee	0.00		
Others	6.00		
Paid	\$35.75		

When recorded mail to:  
**Alexzandria R. Figueroa**  
4616 Guava Ave.  
Seal Beach, CA 90740

Mail Tax Statement to:  
(Same as above)

### QUITCLAIM DEED

APN: 0631-132-10

THE UNDERSIGNED *Grantors* *DECLARE*: DOCUMENTARY TRANSFER TAX IS \$2.75 *Next Rec  
computed on full value of property conveyed.*

NOW THEREFORE, Lynn J. Penner, formally known as Merilynn J. Penner and Robert Clark Penner, as successor trustees of the Penner Family Trust dated April 2, 1975 and as the named successor trustees in that Deed recorded on April 11, 1975 in the County of San Bernardino, Instrument No. 485, hereby grant to **Alexzandria R. Figueroa** all interests in the following described real property situated in the County of San Bernardino, State of California, described as:

The West one-half of the Northeast one-quarter of the Southwest one-quarter of the Northeast one-quarter of Section 34, Township 2 North, Range 6 East, San Bernardino Meridian.

Property is a vacant lot in the County of San Bernardino, State of California — APN: 0631-132-10

Dated: 22 Dec, 2017

Lynn J. Penner  
Lynn J. Penner

Dated: 18 Dec, 2017

Robert Clark Penner  
Robert Clark Penner

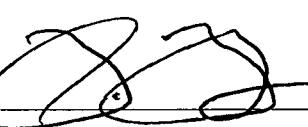
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

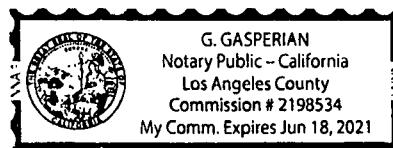
STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

On Dec 15, 2017, before me, G. Gasperian, Notary Public, personally appeared Robert  
Clark Penner who proved to me on the basis of satisfactory evidence to be the person whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature  (seal)



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Diego)

On Jan 22 2018 before me, Brandon Lee Thomas Notary Public  
(insert name and title of the officer)

personally appeared Lynn Jean Pennek,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Brandon Lee Thomas

